IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9875 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

DIVISIONAL CONTROLLER

Versus

PANCHYABHAI AVASIYABHAI GAMIT

Appearance:

MR KM PARIKH for Petitioner

MR ANIL C THAKORE for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 20/09/2000

ORAL JUDGEMENT

1. RULE. Learned counsel Mr.A.C.Thakore waives service of Rule on behalf of the respondent.

2. By way of this petition, the Gujarat State Road

Transport Corporation has challenged the award of the Labour Court, Surat made in Reference (LCS) No.237/97 whereby the punishment imposed upon the respondent is reduced by ordering the petitioner to reinstate the respondent without backwages and further ordered to stop two increments with permanent effect. The impugned award discusses the relevant material and evidence on record and has decided the dispute within the terms of Reference. It is observed that in view of the gravity of offence and the fact that no misappropriation is involved, the Labour Court has reduced the punishment by the impugned award and no reason is made out to interfere with either the findings of facts or the reasoning of the Labour Court. However, the learned counsel Mr.A.C.Thakor, who appears for the respondent, concedes on instructions that the impugned award may be modified to impose further punishment so as to effect stoppage of four increments with permanent effect. Accordingly, the petition is partly allowed and the impugned award is modified to the extent that the respondent shall suffer punishment of stoppage of four increments with permanent effect. The rest of the impugned order is maintained. The learned counsel for the petitioner makes a statement that the impugned order as modified by this order shall be implemented within four weeks from today. The petition accordingly stands disposed. Rule is made absolute in the above terms with no order as to costs.

(KMG Thilake) Sd/-

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